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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE SHRI SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 2210 of 2007

PETITIONER : A.K.Singh, S/o. Late Shri K.P.Singh, aged about 48 years, R/o. Manager, District Trade & Industrial Centre, Bilaspur, District Bilaspur (C.G.)

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, Through Secretary, Department of Commerce & Industries, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

2. Director, Directorate of Industries, L.I.C. Premises Pandri, District Raipur (C.G.)

Present: Shri Sunil Otwani, Advocate for the petitioner.
Shri Arvind Dubey, Panel Lawyer for the State / respondents.

ORDER
(Passed on 10th of April, 2007)

1. By this petition, filed under Article 226/227 of the Constitution of India, the petitioner seeks a writ in the nature of certiorari for quashing the order dated 21.02.2007 or a suitable writ of mandamus to provide a copy of documents as sought for by the petitioner for filing his written statement in the pending enquiry.

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2. The facts in nutshell are that the petitioner, while working as Incharge General Manager, District Trade and Industrial Centre, Raigarh, was served with a show cause notice dated 27.01.2003 (Annexure P/5) seeking explanation of the petitioner for having committed misconduct in exercise of his power without having jurisdiction. The petitioner submitted his explanation on 26.04.2003 (Annexure P/6). Enquiry Officer and Presenting Officer were appointed vide order dated 21.2.2007. According to the petitioner, he was not provided the requisite copy of certain documents by the Enquiry Officer. However, the petitioner was permitted to have inspection of the said documents.

3. Being aggrieved, during the pendency of the enquiry, the petitioner has filed this petition seeking quashing of appointment of Enquiry Officer and the Presenting Officer on the ground that they have not supplied the required documents to the petitioner.

4. Be that as it may. At this stage, when the enquiry is pending consideration and there is no charge of malafide except that certain documents are required by the petitioner, this petition is premature.

5. It is well settled that a department enquiry proceeding should not be interfered with unless there is proved malafide alleged against the enquiry officer. In this case,

the only allegation is that the required documents were not provided to the petitioner, which the petitioner can very well challenge after completion of the enquiry.

6. Without expressing any opinion on merit, this petition is dismissed as not maintainable. No order as to costs.

7. Consequently, I.A. No. 1, application for grant of interim relief and stay, also stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Amit